UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,423	10/31/2003	Ken G. Pomaranski	200209704-1	2068

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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER
CHERRY, STEPHEN J

ART UNIT	PAPER NUMBER
2863	

NOTIFICATION DATE	DELIVERY MODE
01/03/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
mkraft@hp.com
ipa.mail@hp.com

		Application No.	Applicant(s)
Office Action Summary		10/699,423	POMARANSKI ET AL.
		Examiner	Art Unit
		Stephen J. Cherry	2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>12 September 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1 and 3-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) <u>24</u> is/are allowed.

6)☒ Claim(s) <u>1,3 and 6-23</u> is/are rejected.

7)☒ Claim(s) <u>4 and 5</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing.Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

In view of the following rejection, the indication of allowable subject matter in the

Office Action dated 6-26-2007 is withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. The use of the trademarked phrase as a claim limitation, 12C,

renders the claim indefinite (see MPEP 2173.05(u)).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public
use or on sale in this country, more than one year prior to the date of application for patent in the United
States.

Claims 1, 3, and 6-23 are rejected under 35 U.S.C. 102(b) as being anticipated

by U.S. Patent 3,812,468 to Wollum et al.

Regarding claim 1, Wollum discloses a computer system comprising: a system module having a first interface ('468, fig. 1, including 22A and 22B); a test module having a second interface configured to communicate with the first interface ('468, col. 17, line 10, Maintenance System); a first cell having a first controller configured to communicate with the first interface and the second interface ('468, including 10A, 11A, 12A); and a second cell having a second controller configured to communicate with the first interface and the second interface ('468, including 10B, 11B, 12B); wherein the system module is configured to cause the test module to test the first cell subsequent to the second cell being allocated to a first instance of an operating system ('468, col. 4, line 40 and col. 17, line 10-18), and wherein the system module is configured to cause the first cell to be de-allocated from the first instance of the operating system prior to causing the test module to test the first cell ('468, col. 6, line 40).

Regarding claim 3, in view of the above rejection of claim 1, Wollum discloses a computer system of claim 1 wherein the system module is configured to cause the second cell to be allocated to the first instance of the operating system subsequent to causing the first cell to be de-allocated from the first instance of the operating system ('468, col. 4, line 40 and col. 17, line 10-18).

Regarding claim 6, in view of the above rejection of claim 1, Wollum discloses a computer system of claim 1 wherein the test module includes a diagnostic test, and

wherein the test module causes the first cell to be tested using the diagnostic test ('468, col. 4, line 40 and col. 17, line 10-18).

Regarding claim 7, in view of the above rejection of claim 1, Wollum discloses a computer system of claim 1 wherein the first cell includes a diagnostic test, and wherein the test module causes the first cell to be tested by initiating the diagnostic test ('468, col. 4, line 40 and col. 17, line 10-18, control language tests are transmitted to units).

Regarding claim 8, in view of the above rejection of claim 1, Wollum discloses a computer system of claim 1 wherein the test module is configured to detect an error in response to testing the first cell, and wherein the test module is configured to cause remedial action associated with the error to be performed in response to detecting the error ('468, col. 4, line 40):

Regarding claim 9, in view of the above rejection of claim 1, Wollum discloses a computer system of claim 1 wherein the second interface of the test module couples to the first controller of the first cell using a connection ('468, fig. 1, connections to 10A, 11A and 12A).

Regarding claim 10, in view of the above rejection of claim 1, Wollum discloses a computer system of claim 1 wherein the first cell comprises a

processing system ('468, including 10A).

Regarding claim 11, in view of the above rejection of claim 1, Wollum discloses a computer system of claim 1 wherein the first cell comprises a storage system ('468, including 12A).

Regarding claim 12, in view of the above rejection of claim 1, Wollum discloses a computer system of claim 1 wherein the first cell comprises an input/ontput (I/O) system ('468, including 11A).

Regarding claim 13, in view of the above rejection of claim 1, Wollum discloses a computer system of claim 1 wherein the system module is configured to allocate the first cell to a second instance of the operating system subsequent to the test module testing the first cell ('468, col. 4, line 40 and col. 17, line 10-18, and fig. 7, which indicates reconfiguration as an ongoing process).

Regarding claim 14, Wollum discloses a method performed by a computer system comprising:
detecting that a first cell that is allocated to an operating system is to be tested (468, col. 6, line 26-31); de-allocating the first cell from the operating system ('468, col. 6, line 40); allocating a second cell to the operating system subsequent to de-allocating the first cell from the operating system ('468, col. 4, line 46); and testing the first cell with a

test module that is external to the first cell subsequent to de-allocating the first cell from the operating system ('468, col. 4, line 40 and col. 17, line 10-18).

Regarding claim 15, in view of the above rejection of claim 14, Wollum discloses a method of claim 14 further comprising: detecting that the first cell is to be tested by determining a time that the first cell was previously tested ('468, col. 6, line 29, inherent to calculate measure of time to effect "periodic basis").

Regarding claim 16, in view of the above rejection of claim 14, Wollum discloses a method of claim 14 further comprising: detecting that the first cell is to be tested by detecting a scheduled time ('468, col. 6, line 29).

Regarding claim 17, in view of the above rejection of claim 14, Wollum discloses a method of claim 14 further comprising: storing results of testing the first cell ('468, col. 17, line 16, tests performed by control language inherently store results into computer performing the steps of the control language).

Regarding claim 18, in view of the above rejection of claim 14, Wollum discloses a method of claim 14 further comprising: allocating the first cell to the operating system subsequent to testing the cell ("468, col. 16, line 59).

Regarding claim 19, Wollum discloses a system comprising: a first cell allocated

to an operating system ('468, including 10A, 11A, 12A); a first means for de-allocating

the first cell from the operating system ('468, col. 6, line 40); a second means for

allocating a second cell to the operating system subsequent to de-allocating the first cell

from the operating system ('468, col. 4, line 40 and col. 17, line 10-18); and a third

means external to the first cell for testing the first cell subsequent to the first cell being

de-allocated from the operating system ('468, col. 4, line 40 and col. 17, line 10-18).

Regarding claim 20, in view of the above rejection of claim 19, Wollum discloses

a system of claim 19 wherein the third means is for performing electrical tests on the

first cell ('468, col. 4, line 40 and col. 17, line 10-18).

Regarding claim 21, in view of the above rejection of claim 19, Wollum discloses

a system of claim 19 wherein the third means is for performing functional tests on the

first cell ('468, col. 4, line 40 and col. 17, line 10-18).

Regarding claim 22, in view of the above rejection of claim 19, Wollum discloses

a system of claim 19 wherein the first means is for causing the third means to test the

first cell ('468, col. 4, line 40 and col. 17, line 10-18).

Regarding claim 23, in view of the above rejection of claim 19, Wollum discloses

a system of claim 19 wherein the third means is for detecting an error in the first cell in

response to testing the first cell, and wherein the third means is for causing remedial

action to be taken in response to detecting the error ('468, col. 4, line 40 and col. 17,

line 10-18, isolating possessing group).

Allowable Subject Matter

Claim 24 is allowed.

The following is an examiner's statement of reasons for allowance:

Claim 24 discloses" wherein the system module is configured to cause the test

module to test the first cell subsequent to the second cell being allocated to a first

instance of an operating system, and wherein the system module is configured to cause

the test module to test the first cell in response to accessing a list that identifies floating

cells". This feature, in combination with additional claimed subject matter, overcomes

the prior art of record.

Any comments considered necessary by applicant must be submitted no later

than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on

Statement of Reasons for Allowance."

Claims 4 and 5 are objected to as being dependent upon a rejected base claim,

but would be allowable if rewritten in independent form including all of the limitations of

the base claim and any intervening claims.

Claim 4 discloses" wherein the system module is configured to cause the test

module to test the first cell in response to accessing a list that identifies floating cells".

This feature, in combination with additional claimed subject matter, overcomes the prior

art of record.

Claim 5 discloses" wherein the system module is configured to cause the test

module to test the first cell in response to accessing a list that identifies cells allocated

to the first instance of the operating system". This feature, in combination with

additional claimed subject matter, overcomes the prior art of record.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Stephen J. Cherry whose telephone number is (571)

272-2272. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SJC

/John Barlow
Supervisory Patent Examiner
Technology Center 2800